

REMARKS/ARGUMENTS

Claims 1-24 and 26 are pending in the present application.

This Amendment is in response to the Office Action mailed October 20, 2009 and filed concurrently with a Request for Continued Examination. In the Office Action, the Examiner rejected claims 1-24 and 26 under 35 U.S.C. §103(a). Applicant has amended claims 1-5, 8, 14, 17, and 21. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-4, 8-24, and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,185,228 issued to Takashimizu et al. ("Takashimizu") in view of U.S. Publication No. 2005/02101390 A1 issued to Kikuchi et al. ("Kikuchi") and in view of U.S. Patent No. 5,805,602 issued to Cloutier et al. ("Cloutier"); and claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Takashimizu in view of Kikuchi. Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, certain basic criteria must be met. For instance, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP §2143. Applicant respectfully submits that the combined teachings do not address each and every limitation, and thus no *prima facie* case of obviousness has been established.

Furthermore, the Supreme Court in Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." MPEP 2141. In KSR International Co. vs. Teleflex, Inc., 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order *to determine whether there was*

an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” Emphasis Added. The Court further required that an explicit analysis for this reason must be made. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR, 127 S.Ct. at 1741, quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

In the instant case, Applicant respectfully submits that the combined teachings of the cited prior art references do not teach or suggest all the claim limitations. Furthermore, Applicant respectfully submits that there are significant differences between the cited references and the claimed invention and thus, there is no apparent reason to combine the known elements in the manner as claimed. No *prima facie* case of obviousness has been established.

The cited references fail to disclose, among other things, “delivering the selected transport packets to an audio processor across at least one of a bandwidth-limited link and a Bluetooth link,” as delineated in independent claims 1, 5, 8, and 17, “the second partial Transport Stream is coupled to an audio processor...across a Bluetooth link,” as recited in independent claim 14, and “to instruct a processor to deliver the selected packets... to an audio processor across at least one of a bandwidth-limited link or a Bluetooth link,” as recited in independent claim 21.

In the Final Office Action, the Examiner admits that Takashimizu, in view of Kikuchi and Cloutier fail to disclose “deliver[ing] the selected transport packets to an audio processor across at least one of a bandwidth-limited link and a Bluetooth link” (Final Office Action, page 4-5). *Emphasis Added.* However, the Examiner alleges that Kikuchi discloses a transmission path 300 which may be a wireless path (Kikuchi, par. [0027], [0049]; Figures 2A-2B). Applicant respectfully disagrees.

Kikuchi merely discloses modulation circuit 111 included in the encoder unit 100 modulating transport stream (TS) to make it suitable for the characteristics of the transmission path 300 and supplies the TS to the decoder unit 200 over the transmission path 300 which may be a wireless path (Kikuchi, par. [0049], Figures 2A-2B). Upon reception of the modulated TS, the demodulation circuit 201 of the decoder unit 200 demodulates the TS and supplies the demodulated TS to the multiplex data separation circuit 202 (Kikuchi, par. [0050]). The

multiplex data separation circuit 202 checks the PID contained in each TS packet and if the PID indicates audio data, data in a data field of the TS packet is supplied to the compressed data depacketing circuit 203 (Kikuchi, par. [0051]). The compressed data depacketing circuit 203 extracts PTS and AAU from the data and supplies the PTS and AAU to the audio data decoding circuit 206 (Kikuchi, par. [0051]-[0053]).

The transmission path 300, in Kikuchi, which may be a wireless path (Kikuchi, par. [0027], [0049]; Figures 2A-2B) connects the modulation circuit 111 of the encoder unit 100 to the demodulation circuit 201 of the decoder unit 200. The TS being transmitted to the decoder unit 200 over the transmission path 300 is a full Transport Stream wherein no selection of packets has been made. In contrast, independent claims 1, 5, 8, and 17 delineate “[selecting] transport packets from a Transport Stream...” and “[delivering] the selected transport packets to an audio processor across at least one of a bandwidth-limited link and a Bluetooth link.” Thus, the transmission path 300 cannot be “a Bluetooth link” across which the selected transport packets are delivered. Similarly, Kikuchi fails to teach “to select from a full Transport Stream packets having an Adaptation Field and a Program Clock Reference (PCR) sample” and “to deliver the selected packets having an Adaptation Field and a Program Clock Reference (PCR) sample to an audio processor across at least one of a bandwidth-limited link or a Bluetooth link,” as recited in independent claim 21.

Similarly, regarding claim 14, Kikuchi fails to teach “to generate a first partial Transport Stream and a second partial Transport Stream from a Transport Stream, wherein the first partial Transport Stream includes a set of video packets having an Adaptation Field and a Program Clock Reference (PCR) sample, and the second partial Transport Stream includes a set of audio packets and a set of transport packets having an Adaptation Field and a Program Clock Reference (PCR) sample, wherein the second partial Transport Stream is coupled to an audio processor in the audio/video processor across a Bluetooth link,” *Emphasis Added*.

As discussed above, in Kikuchi, the TS being transmitted to the decoder unit 200 over the transmission path 300 is a full Transport Stream. As illustrated in Figure 2B, the multiplex data separation circuit 202 checks the PID contained in each TS packet of the TS received over transmission path 300. If PID indicates audio data, the data of the corresponding TS packet is sent to audio data depacketing circuit 203. If PID indicates video data, the data of the

corresponding TS packet is sent to the compressed video data depacketing circuit 204 (Kikuchi, par. [0051]; Figure 2A). Accordingly, TS received over the transmission path 300 contains both the video TS packets and the audio TS packets such that the TS received over the transmission path 300 cannot be “the second partial Transport stream.” Thus, contrary to that alleged by the Examiner the transmission path 300 cannot be the Bluetooth link as delineated in claim 14.

Moreover, in the Final Office Action, the Examiner alleges that the AAU and PTS in Kikuchi correspond to “the selected transport packets,” as recited in claims 1, 5, 8, and 17, and “the second partial Transport Stream,” as recited in claim 14 (Final Office Action, page 4). Applicant submits that even assuming that the AAU and PTS are “the selected transport packets” (claims 1, 5, 8, and 17) and “the second partial Transport Stream” (claim 14), the AAU and PTS are being sent to the audio data decoding circuit 206 from the compressed data depacketing circuit 203 (Kikuchi, par. [0049-0051]; Figure 2B).

Applicant submits that there is no teaching in Kikuchi of the AAU and PTS (allegedly, the “selected transport packets”) being delivered to the “audio processor,” which the Examiner alleges to be audio data decoding circuit 206, “across at least one of a bandwidth-limited link and a Bluetooth link,” as delineated in claims 1, 5, 8, and 17. Similarly, there is no teaching of the AAU and PTS (allegedly the “second partial Transport Stream”) being coupled to the audio data decoding circuit 206, allegedly the “audio processor,” “across a Bluetooth link,” as delineated in claim 14.

Applicant further submits that a *prima facie* case of obviousness has not been established for dependent claims 2-4, 6-7, 9-13, 15-16, 18-20, 22-24, and 26. However, based on the dependency of claims 2-4, 6-7, 9-13, 15-16, 18-20, 22-24, and 26 on independent claims 1, 5, 8, 14, 17, and 21, respectively, which are believed to be in condition for allowance, Applicant respectfully submits that claims 2-4, 6-7, 9-13, 15-16, 18-20, 22-24, and 26 are believed to be allowable for at least the reasons set forth above.

Therefore, Applicant believes that independent claims 1, 5, 8, 14, 17, and 21 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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